

P L A N N I N G C O M M I S S I O N

ACTION MINUTES

TUESDAY, APRIL 6, 2004

Chair Gibson called the meeting to order at 7:00 p.m. at the Twin Pines Senior and Community Center.

1. ROLL CALL:

Present, Commissioners: Gibson, Parsons, Frautschi, Dickenson, Long, Horton, Wozniak

Absent, Commissioners: None

Present, Staff: Community Development Director Craig Ewing (CDD), Principal Planner Carlos de Melo (PP), Associate Planner Dia Swan (AP), Attorney Jean Savaree (CA), Recording Secretary Rachel Szabó (RS).

2. AGENDA AMENDMENTS: None

3. COMMUNITY FORUM (Public Comments): None

4. CONSENT CALENDAR:

4A. 2-17-04 Planning Commission Minutes

MOTION: By Commissioner Frautschi, second by Commissioner Dickenson, to accept the minutes of February 17, 2004.

Ayes: Parsons, Dickenson, Frautschi, Long, Gibson, Horton, Wozniak

Noes: None

Motion passed 7/0

5A. PUBLIC HEARING – 905 South Road

To consider a Single Family Design Review and Variance to permit the construction of a new 3,076 square foot two story residence in a zoning district that permits 3,144 square feet for this site.

(Appl. No. 02-0061)

APN: 045-152-550; Zoned: R-1B (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)(2)(a & b)

Applicant/Owner: Simmie Graves

VERBATUM MINUTES ATTACHED

5B. PUBLIC HEARING – 1861 Robin Whipple Way

To consider a Single Family Design Review to construct a 1,121 square foot addition to the existing 1,812 square foot residence that is below the zoning district permitted 2,934 square feet for this site.

(Appl. No. 03-0109)

APN: 044-311-210; Zoned: R-1C (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)(2)(a & b)

Applicant/Owner: Jerry and Mary Natoli

PP de Melo summarized the Staff Report, recommending approval of the project and was available to answer questions from the Commission.

C Frautschi asked for clarification regarding the 1992 variance dealing with the set-back.

PP de Melo responded by saying that as long as any project addition does not further encroach into the 10 foot setback, it would be allowed. He added that this proposed project does not encroach into the established setback.

The Applicant/Owner, Jerry Natoli said that he had nothing to add as the staff was very thorough with their presentation.

MOTION: By Vice Chair Parsons, second by Commissioner Frautshci, to close the Public Hearing. Motion Passed.

VC Parsons stated that he found the structure to be very bulky. He also stated that he had a problem with there being no detailing around the windows.

C Frautschi agreed that a better job could have been done visually reducing the bulk. He also disclosed, for the record that he had met the applicant during his site visit.

C Horton asked the applicant why the driveway was going to be wider than it needed to be.

The Owner said that he wished to make the driveway a bit wider so his small children would not hit his parked car, or the neighbors wall.

C Wozniak pointed out that the Commission couldn't really rule on this because there was an ordinance that stated you were not required to add another garage space in this circumstance, but she still wanted to comment that she felt the addition of more square footage adds the real potential of additional automobiles being added to the site, and she felt that was a existing problem throughout Belmont.

Chair Gibson stated that the variance had already been given and it was not a good idea for the Commission to try to second guess this decision.

MOTION: By Commissioner Frautschi, second by Commissioner Dickenson, to pass a resolution of the Planning Commission of the City of Belmont to approve a Single Family Design Review for 1861, Robin Whipple Way, with Exhibit A, appended.

Ayes: Long, Dickenson, Frautschi, Wozniak, Gibson, Horton

Noes: Parsons

Motion Passed 6/1

5C. PUBLIC HEARING – 6 Soho Circle

To consider a Single Family Design Review to construct a 723 square foot addition to the existing 2,761 square foot residence that is below the zoning district permitted 3,500 square feet for this site.

(Appl. No. 04-0005)

APN: 045-421-060; Zoned: R-1A (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)(2)(a & b)

Applicant: Doron Klein

Owner: Ernie and Andrea Giotinis

PP de Melo presented this project to the Commission recommending approval. He was available for questions from the Planning Commission.

Owner, Ernie Giotinis spoke, wishing to thank the Commission and staff, and added that all his neighbors voiced their support for his project.

MOTION: By Commissioner Dickenson, second by Commissioner Wozniak, to close the Public Hearing. Motion Passed.

MOTION: By Commissioner Frautschi, second by Commissioner Horton for a resolution of the Planning Commission of the City of Belmont approving a Single Family Design Review for 6 Soho Circle, with Appended Exhibit A.

Ayes: Frautschi, Horton, Long, Parsons, Dickenson, Wozniak, Gibson,

Noes: None

Motion Passed 7/0

6. REPORTS, STUDIES, UPDATES, AND COMMENTS:

CDD Ewing informed the Commission that Redwood City was having their monthly forum. He added that the Council cancelled their August 24, 2004 meeting for Summer Holiday.

PP de Melo added that the Council would be reviewing the Secondary Unit Regulations at the next Council Meeting.

7. PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF

TUESDAY, APRIL 13, 2004.

Liaison: Commissioner Frautschi

Alternate Liaison: Vice Chair Parsons

8. ADJOURNMENT: 9:35 p.m.

Craig A. Ewing, AICP

Planning Commission Secretary

Audiotapes of Planning Commission Meetings are available for review

in the Community Development Department

Please call (650) 595-7417 to schedule an appointment.

VERBATIM MINUTES OF 4-6-04

FOR 905 SOUTH ROAD

Chair Gibson: We move to our first Public Hearing which is item 5A, for 905 South Road to consider a Single Family Design Review and Variance to permit the construction of a new 3,076 square foot two story residence in a zoning district that permits 3,144 square feet for this site.

AP Swan: Thank you Commissioner Gibson and members of the Planning Commission. So this is the 3rd time we have seen this application, construction of a new, single-family residence in the R1-B district. This proposal is reduced from the last time we looked at it. It is now been designed to be 3,054 square feet, which falls within the allowed floor area ratio for this district. The revised project includes a main floor upper level of 1,527 square feet, and a lower level of the identical 1,527 square feet. This house is proposed to be 3 bedrooms, 2 bathrooms and I described in the staff report in detail, the architectural features, how this particular project has been designed compliant driveway and parking aspects to include compliant landscaping. As an example, the current project... the construction of the new residence would include the removal of one protected tree, and 2 unprotected trees and as a mitigation the landscape planning includes replacement with 8 brand new trees which exceeds what that ordinance would require, a 3 to one replacement, and the area of the garage is going to be continued down below.... The floor area below would be finished area. So the different aspects that were in response to the first design, and the concerns raised by the Planning Commission have been carried over in this design, in different aspects. These project plans also include landscape plans with various shrubs and groundcovers of draught tolerant, fire resistant, deer resistant, native species plants. Many are native to this particular climate. And also in response to the Planning Commission comments the applicant has proposed an unpaved pedestrian walkway along South Road in front of the residence. So that improvement would include, or rather require an encroachment permit from the Public Works Department. Geotechnical as well as Arborist reports were provided as attachments, as well as the Downtown Specific Plan Architectural theme and treatment policy, the portions that apply to this project were included as attachments for reference. I want to point out that Neighborhood Outreach conversations did foster conversation; I believe that all of the exhibit letters have been shared with you, the letters of concern from the neighbors to the south and east. Each of their concerns have been included and discussed in the aspects of the report, but also subsequent concerns of impacts during construction and potential concerns in response to the different aspects, for example window placement. The particular project is being reviewed for Design Review and Variance for the Driveway Bridge. Staff prepared analysis for the different findings, and was able to find in support. I haven't received any new comments, I believe they have all been shared with you.... The letters have been shared and in conclusion, based on the analysis of the required findings, staff was able to find in support. I will point out that the applicant and the geotechnical representative are present to answer any questions. Thank you.

Chair Gibson: Thank you Dia. And for the record could you tell us whether this hearing was properly noticed?

AP Swan: To my information, yes, it was noticed to everyone within 300 feet.

Chair Gibson: Ok, so for the audience, you mailed out notices to every homeowner, every property owner within 300 feet.

AP Swan: Correct.

Chair Gibson: Ok, thank you. Questions for staff? Yes, Rick.

C Frautschi: Thank you Mr. Chair. Dia, because this was brought up in some of the property owners' living around letter, I am still not clear on this. Does the issue of privacy go away totally from our considerations of this project?

AP Swan, Privacy is not one of the required findings for either the Design Review or the Variance.

C Frautschi: Ok, and if I could have staff, from the Single Family Design Review analysis, if you could explain.... It says the project includes several retaining walls, which are architecturally treated to have consistent materials, colors, and colors with the residence, and I would like to know what these materials are, and I wasn't clear where these retaining walls are. And, my second question on the Single Family Design Review analysis, the applicant will be required to provide on site material storage, because South Road does not have sufficient width to permit storage, or staging in the public right of way. And, since we have to rule on the safety of the project I would really like a clear description in the applicant's mind how is this going to happen.

AP Swan: So for the first question about the materials for the retaining walls, it's kind of interesting if you could look through the project plans. Most of the engineered retaining walls are subterranean or below the surface, so not really visible. One of the previous designs had really prominent retaining walls and that was some of the...comments by the Commission included recommendation of reducing or eliminating those retaining walls. So they have really been engineered into the site, rather than really prominent architectural features for this site. But the retaining walls that do remain are finished with natural cut rock kinds of natural finishes to blend in with the environment, and that is to be consistent with the design requirements for retaining walls. That is actually part of the ordinance. So, to answer your second question.....

C Frautschi: Staging

AP Swan: I am trying to think of how to answer this correctly. The Public Works Department had reviewed, as well as the Building Department, has reviewed the proposed plans and the conclusion of the language that I've proposed was kind of tying together the conditions of approval recommended by all the different internal departments in order to assure safety during the staging. So the recommendation is that it not be done on South because of the insufficient road width. The project will continue on if the Planning Commission votes to support the project. It would be a part of the discussion, pre-construction stage. So just before the building permits are looked at in detail and issued, that's is when it is really identified exactly how and where on the site staging would occur. So I hope that answers your question. It gets identified in detail at the construction stage, the pre-construction stage, when the contractors are identified and the finer specifics are all identified.

C Frautschi: One more question, Mr. Chair. In the geotechnical report it says, "A specific geographic and seismic hazard study is beyond the scope of this investigation". Is that normal in our geo reports?

AP Swan: It is to the degree that specific design solutions for the engineer get identified at the building stage, the building spec plans. Once they get entitlements for, "yes you can build a house", then we look at close detail for exactly how the solutions will be identified.

C Frautschi: Does this also include the control of.....because it says, "The control of surface streams within the site should be an important design consideration", but I didn't see anything in the report about how they proposed to drain the site. We have to look at it for safety reasons; this is the only reason I am asking this, because we have to look at this for safety reasons. If I can't visualize at least some idea of what they propose to do, how can I rule on that?

AP Swan: Well they are certainly available for questions and comments this evening is one aspect, but it is definitely required that all drainage and sight, and certainly safety is accomplished by the design of the project, so through the future stages of the detail, for constructing of the project, they will not be permitted to drain onto neighboring properties, just as an example.

C Frautschi: Mr. Chair, one more question of the lawyer.

Chair Gibson: Go ahead.

C Frautschi: If Jean could explain to me in a variance analysis on "E", "The granting of a variance will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties on improvements in the vicinity." I was wondering if you could explain to me what exactly "materially injurious" means, and what should we use as guidelines for safety issues to adjacent properties here.

CA Saveree: Well, the language you see in "E" is directly out of State Law and there are hundreds and thousands of cases where variances have been granted or denied, and the courts have analyzed this, so I could give you, probably, all kinds of examples, but generally what you are looking for in a situation like this is to determine that the project in front of you does not create a hazardous situation, or does not in some way place adjacent properties in a less advantageous position is that....? I am not sure that what I am saying is making sense. So, if you can tell me if this is puzzling you....

C Frautschi: What does less advantageous mean? Economically, or.....

CA Saveree: No, not economically. When you are looking at a variance, what you are looking at is allowing someone to vary from your standards, which remain in place and generally, in order to be granted a variance, you're looking at some very unique feature of a particular piece of property, and because of that unique physical feature of the property, they would not be able to develop if they were held strictly to your standards. And so, if they can meet these five findings, you will allow a particular property owner to vary from your standards. In this regard, you don't want to be allowing that person who obtains a variance to create some sort of dangerous condition for adjacent properties.

C Frautschi: Thank you, Mr. Chair.

CDD Ewing: If I may note, just to perhaps focus your thinking a little bit with the variances for a front yard setback encroachment for the driveway bridge that is the focus of the variance finding in this particular case.

Chair Gibson: Anything else for staff, questions?

C Long: I have a couple things, uhm, I'll start with maybe the most open ended, and that is on height. Uhm, if you could elaborate on the height of this project, maximum height of this project, the allowable height, within Belmont's code, and then the method of calculation just in a real simple way and it might be Carlos that you want to jump into this, whichever of you feels most comfortable.

AP Swan: What the ordinance requires or the maximum permissible is 28 feet in a residential district, and this project follows the slope of the steep lot. So, the dimensions of the height along any point following the contour of the slope. So this particular project from the lowest part to the highest most reach is 28 feet at some points.

C Long: Right, but from the lowest point on the property to the highest point on the property certainly would exceed 28 feet, and that is allowable.

AP Swan: Correct, it is not measured from the lowest to the highest, it is measured along the slope.

Chair Gibson: While we are on that question if I could, is it 28 feet from the grade prior to construction, or is it 28 feet from the grade subsequent during the grading that is done on the property.

PP de Melo: Subsequent to any grading, because you are looking at the resulting height from grade to the finished to the top portion of the roof and again, it is a plane, a 28 foot plane from grade to top. So it may look taller from a lower elevation, but from grade to top that 28 foot plane parallel to the ground.

C Long: The next.....I guess I just wanted some elaboration on the privacy issue. While we know that privacy is not something that we have to find to....it is not a finding that we have to make. Is it something we are prohibited from consideration of?

CDD Ewing: Anything that is not written into your findings is outside of your bounds for consideration. So, you can't expand beyond the findings in terms of your judgment on the project.

C Long: So from a general standpoint of a Planning Commissioner representing a community at large, we are really representing the community at large within the framework of the codes.

CDD Ewing: That's correct.

C Long: And not to extend beyond that?

CDD Ewing: That's correct. You are actually implementing in judgment on a particular property project, the rules established by the council, which are these findings.

C Long: Kay.....Uhm, the, if I could also, and back to definitions a bit, defining sustainable design principals. You used that at least a couple of times in the staff report, uhm, in referring to the uhm, material to look like wood on the exterior façade. As I read the Downtown Specific Plan, it is allowable to use sustainable design principals, sustainable, I guess materials, uhm, but my interpretation of that, I think goes outside of ahh an exchange of a woodlike material for the wood. Instead, it to me appears to be you might replace columns that were once made of wood that are load bearing with steel members that would be surrounded by wood or fiberglass, which would clearly not be a historical way of constructing, but it would be something that would be more sustainable over time. When you talk about wood exterior siding, that I think does stand the test of time, it can last 100 years, so I was wondering if uhm, in my mind, a like wood siding goes against what the Downtown Specific Plan reads. And so I wondered if staff might comment on that.

CDD Ewing: Under required materials.....do you want to take it? (Looking at AP Swan)

AP Swan: Well, under required materials, it does allow these alternate materials. So there is kind of this interpretation. It sounds like you are asking for my personal opinion on whether or not it is a comparable material?

C Long: Well, I think the word in the code is sustainable design principals may be substituted.

AP Swan: Right.

C Long: And so that's a.....so perhaps that's a wide open thing, but I just wondered if you could elaborate on.....

CDD Ewing: In the section on required materials, it does say material substitutes may be considered during project review (fiberglass columns, tin cornices, elements contributing to sustainable design, etc...) However, traditional proportions detailing and intent shall be maintained. So there seems to be a willingness to substitute original materials for more modern lower maintenance kinds of materials as long as the architecture, the style, the proportions, the details are maintained. So, we see....that I would interpret that for siding, as if the siding appeared in it's finished form, to appear as wood siding, whether it's made of a composite material or fiberglass, or vinyl, or whatever else wouldn't be as big a concern.

C Long: Uhm, I don't want to debate this, but I guess the passage that I am seeing, 4.26, is buildings design shall be expressed as wood, and it is a shall, not a may, shall be expressed as wood, cement, plaster, masonry, or concrete load bearing buildings appropriate to the historic era. And then to me, when I read about the sustainable design, that means more traditional materials may easily fail or to me wood siding is not the material that would easily fail on the side of a house. So, my guess is the applicant might have a comment on this and we could defer this to

CDD Ewing: I would suggest the Commission look at that language to determine where your concerns arise with original material and material substitutes as they might apply to this project. But we see that material substitutes are accommodated at some level in the plan.

C Long: Uhm....returning to the issue of safety that Commissioner Frautschi brought up, the uhm....it is a relatively busy street, is it possible that backing out and pulling into the driveway creates an unusual safety hazard in one home where it might not in another, because of the nature of the street, the nature of the dimensions of the driveway with no turnaround, and perhaps that's a legal question, or I don't know if that's a.....I am just trying to understand the safety element.

AP Swan: It has not been identified as a particular concern by any of the internal reviews by the different agencies, police, fire, public works....

CDD Ewing: Public Works is particularly where the issue of access to a public road becomes an issue, and they review all projects in the City. In reviewing this project, it did not raise any concerns with regard to sight distance or other issues. That perhaps comes from the standpoint that they know that a driveway has to be provided off of South Road in some fashion and that this one appeared to them acceptable under the circumstances. They raised no concern.

C Long: Ok, then finally, the uhm, on page five, the second from the bottom paragraph, in addition to the driveway bridge permits the dwelling to fit into the hillside with the least amount of excavation and fill to the natural terrain. Uhm, it seems to me as if there is always, or often rather, a tradeoff between excavation and bulk, and it seems to me as if the applicant, with the staffs blessing or approval here, has chosen to uhm...to balance that in a way that ahhh, minimizes the excavation. Uhh, just, this to me does not seem like a very long excavation given the scope of the project and I wondered if there might be an internal way that staff balances what's more right for the community, or if there is a code that actually directs you where there is a choice between bulk and excavation, always choose bulk over excavation, we would rather have the bulk.

CDD Ewing: The finding "B" that came out of your recent amendments to the Single Family Design Review says everything that we have to work with. The overall site and building plans achieve an acceptable balance among the following factors. And there is no other formula to work with. The particulars of any individual site, its slope, orientation relative to the street, existing flat areas, existing landscaping needed, hardscape, all of those are going to be a different set of facts for any particular property and a different set of facts for any particular project proposed for a property. This project is proposed by the applicant. What we look for in this finding, and it's a new one for us, and a new one for you as well, is, do we believe that there is, is this the best of all possible worlds given an imperfect set of conditions for development. That it is that it is more sloping than we would want or more shallow that we would want, or too many trees, where we would rather there not be trees taken out and is sort of put in the back of our minds while redesigning the project, could there be an improvement of, to reduce one factor without significantly making some other factor worse. That is the balancing that we are trying to do, and it is not a science. So what we looked at in this case given the driveway bridge, the slope, the lack of an easy developable pad in existence on the property, the location of the trees, that there was a reasonable balance struck among these factors with this project design, and that is really pretty much the extent of our analysis under that finding.

C Long: So, so just to kind 'a summarize my standpoint as a Planning Commissioner, what I should look at is that this does strike at least a reasonable balance between bulk and excavation.

CDD Ewing: I use the word reasonable, the finding says acceptable, if that is a different meaning to you, use the word acceptable, but the indication would be that there isn't another direction to go that would substantially improve one at the expense of another. That's sort of what we look for, have they reduced all of the problems as best as possible, under the circumstances presented. Now if I say more, I am probably just going to trip over my tongue, so I'll just stop there.

C Long: Yeah, I never stop there, so I am going to keep going, with one more comment, and that is regarding the excavation, the alternatives to the plans as we have them, I think the staff report mentions a 30 foot long 10 foot high retaining wall that would be required to basically support the build in of a driveway that I guess would follow the contour of South Road, rather than coming out as a 90 degree angle, I'm paraphrasing. So.....is that?....when I look around Central Neighborhood anyway, I see a lot of homes where there seem to be retaining walls that look just that way. Some of them not very attractive, some of them, not so bad. Uhm....but, is there a particular uhm...difficulty with that in the staff's eyes, something that I am not reading in the code, you know, obviously we would like to avoid large retaining walls period, and I know that that is in the code, and the materials of the retaining wall, and the construction of the retaining wall are all spec'd out.

CDD Ewing: Those are the factors that we take into consideration as well. The message is that the Council and Planning Commission have sent in the past on other projects, and then the adoption of various policies that say more grading is problematic, large retaining walls are problematic, driveway bridges have been acceptable in similar circumstances elsewhere, so that goes into our consideration of what constitutes an acceptable balance.

C Long: Thank you very much.

Chair Gibson: Any further questions for staff?

C Wozniak: I have one. There has been a lot of public comment about the instability of the site, and in the geotech report, the geotech engineer said that he didn't really guarantee any of his findings because things can come up during construction, and I am looking at the conditions, and conditions on the first page, the applicant shall provide a written contract for the services by Robert Chew or other registered geotechnical consultant at the time the plans are submitted. Does that mean that the geotech consultant will be available throughout construction, and will monitor the site throughout construction?

AP Swan: That is exactly what that means. It is a standard condition. But there are 2 different aspects. We have the geotech report provided at this really basic interim basis, in order for the Planning Commission entitlements to construct a house, then we get refined geotech specifications for the construction drawings for the building/construction phase. And then also, during construction, this requirement requires that that expert be onsite to meet any kind of conclusions or changes that come up at the...during construction. And that's customary.

C Wozniak: So what happens if something is found in the middle of construction that causes the project to go way over the budget, for example. And the builder, the property owner can't afford to continue the project. Has that ever happened, I mean I am sure that it happened someplace, sometime.

CDD Ewing: Sure it has, and any number of things can happen. If the project is abandoned, then the city will do what it can to work with the property owner to make the site secure and to the extent possible, mitigate any esthetic issues. In some cases the project is taken over by the Bank who made the construction loan, who tries to market the project, who tries to market the project to someone else who will finish it. Those are risks that are associated with any development project. We don't see too many of those. What most often happens when that kind of thing happens is there is a tremendous delay and Commissioners know of individual sites that have taken an inordinately long time to construction for any number of reasons unrelated to the approvals, but related to financial circumstances, higher costs than anticipated, that sort of thing. But the geotech, the geologist is required to be on site, review and sign off on all grading, excavation work. So their name is also on all the inspections that are conducted. So that the project is built safely.

PP de Melo: There is also a condition that has been added that requires this geotech report to be reviewed by the City's third party geotechnical consultant, which is Cotton and Shires to make sure that the findings that have been issued for this project, has that subsequent review to confirm that the design measures are appropriate for the site, and that would be required to be completed prior to the issuance of building permits for the project.

Chair Gibson: Alright then, Mr. Graves, this is your opportunity, if you wish, to address us.

Owner, Mr. Simmie Graves: I think all of you covered the issues very well, and I'll just sit back and answer any questions that you have.

Chair Gibson: Alright, and Mr. Chew is here as well. Does anyone have questions for either of these gentlemen?

Robert Chew: Hi, I am Robert Chew, the geotechnical engineer for Simmie Graves. Uhm, I also was the geotechnical engineer for Ms. Mary Lou South, which is a.....now, Simmie Graves project, I have had the opportunity to start working from day one. He has a vacant lot, and he said, "Robert, we are have you come in and help us with this development". And I worked on the investigation report from ground zero, from

scratch, and we did the investigation and finally got to issuing this report. Ms. South's property is a little different. She has a different geotechnical engineer to do the report. And, when I came on the project, it was going into construction. So there is a difference. I did not have the opportunity to see Ms. South's site from the beginning. I got to see and work with it at the construction stage. Nevertheless, it is a very good example of why we are involved with this project, and I am sure we are going to do the same thing on Simmie Graves project that during construction, we are going to be out there, we are going to be monitoring the construction from a geotechnical standpoint, just like we said in our report, that we want to review the site construction in order to be sure that we are getting picking up information that is consistent with our investigation. We want to see what it is that might perhaps impact the construction and perhaps mitigate those issues, if and when we come across that. And on Ms. South's project, there was a lot of that given the size of the project, there were a lot of those conditions that needed to be mitigated. I think that Ms. South is a very smart lady, she is very smart. She had us on the job, and we were going through what we had to do and explaining the different aspects of what we saw, and what needed to be mitigated. And, at the end of the day the projects got done and I think that, perhaps that she would say that because if you do not mitigate the situation I think that perhaps it would have been a bigger problem on the construction on the project. So perhaps that is one of the conditions why projects now a day always has got this requirement, in wanting the soil engineer to go through during construction. Okay, now there are 2 specific questions I can answer here from Mr. I am sorry, I cannot pronounce it.

C Frautchi: Frautschi, just like grouchy.

Robert Chew: Yeah, you raised a question about the statement, report that says the specific geology and seismic hazard study, is beyond the scope of this investigation. Now I want to clarify what this statement means. Now, if there is a structure, and essential structures, structures that must survive during an earthquake, for instance, such as a firehouse, City House, the Clubhouse, the Police Station, Emergency Services Building. Now, when there are these essential structures, those structures will require geologic and seismic studies, detailed geologic and seismic studies. Basically, they studies we will get involved with, where a fault line is, how far the fault line is, if there is a fault line on the site, what kind of impact, what kind of ground acceleration, what kind of magnitude earthquake could happen on such a fault line and what impact would it have on an essential structure. Now, what you don't see, some essential structures where such a study is not done, and it is typically so. Ok, so, that is why the statement is in there, that this is in essence a seismic study of that magnitude is not done for this property. Just as a general statement, that it isn't an essential structure, so such a study isn't done. That all there is to that statement. What we did point out is that the site has, due to the proximity of the site to major fault lines that we have around here, that we expect significant ground shaking, like properties around here, and those will get picked up, and those will get included in a design, during the design phase. And that is how it is governed by our building code. So that in essence, is an answer to your question. They get picked up on the design process.

Chair Gibson: I have some questions, if I may? Do your requirements that you mentioned for Police and Fire facilities that you mentioned with regard to seismic design also refer to, apply to hospitals?

Robert Chew: Yes.

Chair Gibson: And is Belmont Vista considered a hospital for that purpose?

Robert Chew: Belmont Vista is not considered a hospital.

Chair Gibson: Ok, thank you. How long have you been practicing geotechnical engineering?

Robert Chew: I have been a soils engineer since 1979.

Chair Gibson: Ok, and if you were to rank this site on a scale of 1 to 10, where 1 is perfectly easy, flat, no problem, and 10 is the worst you can conceive of building on, how would you rank this site?

Robert Chew: I think for a hillside, it is very nominal. For a hillside lot, it is fairly nominal. It is not very steep, it is not very gentle.

Chair Gibson: You have seen worse?

Robert Chew: Huh?

Chair Gibson: Have you seen worse sites than this?

Robert Chew: Yes, I have seen worse sites than this.

Chair Gibson: And you built on them, or you have been involved in projects on worse?

Robert Chew: I have been involved on worse sites than that.

Chair Gibson: Ok. And my last question is, will you review the foundation engineer's plan and plans prior to excavation and construction?

Robert Chew: Yes, we do, and in fact I usually make it a requirement. We have called up in our report, that that is what we want to do.

Chair Gibson: Alright, thank you. Who else has questions for Mr. Chew, or Mr. Graves?

C Frautschi: Just the other question I asked about the control of surface drainage within the site should be an important design consideration. I would just like to hear what you consider....what does that mean to you? What should we be looking for?

Robert Chew: On any project....on any project, it is a good practice to keep water out of, you know, not have ponding on the site. It is just, very customary, very standard. On a hillside, you have the same issue. You want to keep water off, from going down on the hillside. You know, it does get on the soil, and right now it is a natural thing, it comes up and the wind comes down, it does stop, and later there is rain coming off. If there is water coming on the street, if it doesn't have a curb, it comes off the slope, it rolls down on the slope, it does that naturally. When you begin construction, what we do, what we like to do is to have water control, water flow control. If it comes up on the roof gutter, we like to have it piped out, not onto the slope, but out through some controlled trench area, it maybe a curb, it may be way down slope to a drain portion, where there is a drainage outlet, somewhere other than let it free flow on the slope. If it is on a flat slope, we like to see that water flow control too. Is there something particular.....

C Frautschi: Well, there is a piece of property down the hill and then they have no access to the right or the left, and just in my own mind, I am trying to figure out, ok, I could understand water that comes off the roof, they are going to pump it into the, you know, regular system, but run off that is created by....disturbing the site, where is that run off water going to be, how is it going to be taken around the downhill property? I am just worried about that.

Robert Chew: Ok. It is...the drainage issue is not going to pick up here yet. It gets into the design phase, and during the design phase, that is where the issue gets addressed. These are some of the things we looked at, has the drainage issue been addressed? Ok, that the main....if you have a sloped lot, you have "x" amount of rain water that is going over that slope. When you build a house, you now get an amount taken off by the footprint of your building. Now that amount of water that doesn't go onto land, instead landed on your building, that portion gets taken out by drain, so that you do not add any more water on other portion of the slope.

C Frautschi: So basically what you telling us is the drainage part of the project will be figured out later?

Robert Chew: It usually is done that way.

C Frautschi: This is kind of a unique site, that is why I ask, I haven't had to think about that before so thank you.

C Long: Chair? I do have another comment or 2 or question for Mr. Graves.

Chair Gibson: Ok, Mr. Graves?

C Long: It is good to see you again.

Mr. Graves: Thank you, it's good to be here.

C Long: We make this a regular thing, don't we?

Mr. Graves: Ah, yes, kind of.....

C Long: I have a few questions, and then a couple of an open ended thing. First, I wanted to ask if there will be any tinted glass on the project.

Mr. Graves: I haven't thought of tinted glass at this point. No.

C Long: Sounds like no....for ok.....

Mr. Graves: Pretty much, yeah.

C Long: Ok, that's a good answer. The uhm....you were kind enough to provide us with a...some documentation on the ah....Italianate architecture which was helpful to me since I am certainly a novice in the architecture field. Perhaps you could walk us through some of the Italianate elements in your design.....andI think most of us have the renderings nearby, so you might just get the rendering.

Mr. Graves: Let me do that, because that is a little bit easier.

Chair Gibson: We've got some here if you can't find it.

Mr. Graves: The one thing I left. Ok, basically, the Italianate features, the decorative brackets along the roof eaves, and some of the cornices on the posts. Some Italianate structures. They vary quite a bit. They generally have wood siding, that I have seen, some of them have decks, an elaborate decoration, some much more than this. Window treatments, decorative sills. I have actually seen some with shutters on it, so I have actually liked the shutter version on these windows. They are low-pitched roofs, usually 4 to 12. The roofs overhang, some quite dramatically. Some of the brackets are a lot more ornate and larger than what I have here. But this embodies the elements of Italianate architecture.

C Long: Ok. Uhm...the slope in particular, you said 4-12 low pitched roof is something that....I am looking through the..the photos that were supplied in your packet. I didn't see any low pitched roofs as the one you've drawn out. Maybe they are there, and I just missed it. Ok. Thank you. And then I wanted to thank you for incorporating the sidewalk. I think I thanked you at the last meeting, but I think that is really a nice element to the project. Uhm...I wanted to....speaking of the architecture, which homes nearby do you feel are somewhat similar in nature to your property. For the record, I am his next door neighbor, but live about 700 feet up the hill from Mr. Graves.

Mr. Graves: Yes, I walked the site and I took several pictures. There are no other homes that are exactly this style. There are some bungalow types, there are homes with a 4-12 pitched roof, but the actual architectural theme does not exist. I have seen various styles from kind of modern rustic, kind of rustic, contemporary. There is stucco, there is wood exteriors. So we basically, because we are in the Downtown Specific Plan Area, with the wood theme treatment. Italianate was one of the choices. Queen Ann was another choice, or Craftsman. And I have not seen any Queen Ann's on our portion of South Road.

C Long: Ok, thank you. And if you might comment on something that at least uhh....in some of the Community Outreach, we have been hearing, regarding, if you might elaborate on the staging, the traffic, offloading of building materials, and the storage, because it is...it has raised some questions in my mind as to the logistics component of building a structure there. If you might elaborate on that.....

Mr. Graves: Right. Usually that is later in the project. I have licensed civil and structural engineers that are going to detail that out. I have had a meeting with my construction manager and we have looked at a couple of possibilities. One is to get permission from the owner north of our site to actually stage on that

property, and I am going to continue doing that. The other is to build a temporary staging pad on our site, which we would work with Public Works and the Fire Department, and Planning to insure safe traffic while we construct that. But we will have a staging area.

C Long: Have you spoken to the neighbor north of you to evaluate the feasibility of that?

Mr. Graves: I sent letters and I am in the process of contacting him. I understand he is out of town, or he is due back soon. So I will follow that up.

C Long: Ok. Thank you.

Chair Gibson: That it?

C Frautschi: Mr. Graves. Thank you very much for coming. There has been mention by neighbors about your windows on the south side of your house. And in your own words, why are these windows necessary and just, I just want to know from your prospective.

Mr. Graves: They are basically there to complete the balance of the building and not have it look just like a garage sticking out, I wanted it integrated into part of the house and the windows as indicated in the plans will be obscured glass. So on the garage side, it will be obscured. On the lower side, there basically will be screening along the property line with our neighbor. And I did another walk through on some of the property's there. When you walk, I walked up on 900 South Rd, the lot is empty. Trees provide an excellent screening. And when I have looked over at some of the neighbor's houses, you can barely see through the trees to kind of get any detail or anything. So, I think that is an excellent way of addressing privacy. We'll have obscured glass on the top, there will be fixed windows and on the bottom, the landscaping, the trees and the shrubs will provide additional privacy. And it is basically just that, to try to complete the architectural theme.

C Frautschi: I was just wondering what you mean by obscured glass, is it opaque glass?

Mr. Graves: It would be opaque-like glass.

C Frautschi: So, the garage is opaque glass that one doesn't see out of.

Mr. Graves: Right.

C Frautschi: Have you considered transom type windows that are above the line of vision?

Mr. Graves: I did try that before on the previous design, and it doesn't look quite as balanced.

C Frautschi: Ok.

C Horton: I have one question. In one of the more recent correspondences from neighbors, there was an issue of the type of tree being planted on the south property line. Are you willing to change that species at all?

Mr. Graves: Sure.

C Horton: Ok, thank you.

Chair Gibson: Alright, thank you very much Mr. Graves. We move on to the public hearing. I have a number of slips here. I ask each speaker to confine their remarks to 3 minutes. My intrepid Vice Chair will be running the timer here, and when you hear a beep that is your signal that you have used up 3 minutes and I ask you to take a few seconds to finish up. So we will begin with Steve Gonzales, followed by Kim Gonzales.

Steve Gonzales: Thank you, I'm Steve Gonzales, I live at 925 South Road and we are the.....we share Mr. Graves' property line, we are just below him and uh. What I am concerned with is the adverse environmental impact that this project will have on our house as well as the surrounding neighbors. I know it is a very difficult site to build on and I really feel the present design still falls short of what....it falls short of tying in with the neighborhood, tying in with what's there right now. We went around the neighborhood, my wife and I, the other evening and it was so nice to see the people in the neighborhood, and the types of the design, the rural feel, it was very quaint. Everything is kind of nestled into the hillside, there is the sweeping driveways. It just has a feel that I love, I love living there, I do live there and it's because of this design, this theme, this feeling that we have. And when I envision being, we know the, Ms. South and Ms. Parsons, if I am down there in their property, looking up at this structure that is 5 foot of concrete caissons and in the 1st floor it's 10 foot and in another 9 foot, and then the peak is going to be another 4 foot, you are looking at about 27 feet tall, and then it is almost 70 feet wide. Looking at this huge massive structure, I mean, it is just not going to be in keeping with the rest of the.....you know, it's just this huge impact that it's going to have on everyone in the area from the downside. If you are on South Road, I mean, Sixth Avenue down there everywhere from that position, it is just huge and same with, from our portion, you are going to be looking at a 22-foot bridge that starts at the street that connects to their property, and then another 22 feet of garage, that's 44 feet and then there is a return that is another 5 feet and then the peak is about 27 feet, I mean, I know that it's not the Golden Gate Bridge, but I mean, my God, it is a bridge, and it's going to be something that is going to be in our face and I feel that it's not in keeping with what we have in the area and I feel maybe it is fine having this driveway bridge which is a variance. I keep on hearing this term variance, and I am wondering why it is being allowed if it is a variance, because I have a strong opposition to this and, I don't think it is in keeping with South Road. Maybe they have it in other areas of Belmont on North Road, and such, but I don't want South Road to become like other areas. I like what we have. So, that's how I feel. So I am opposed to the current design that we have at this time.

Chair Gibson: Ok, are you going to take your wife's few minutes now?

Steve Gonzales: Yeah, no. I just want to hand this out. A neighbor e-mailed us his comments on his feeling and he didn't have an opportunity to come here so I would just like to hand.....

Chair Gibson: Ok, why don't you come up here, and Mrs. Gonzales, while he is doing that, so we can move along here. It's not a good idea to take your wife's time anyway, I can tell you that.

Kim Gonzales: It's never a good idea to take (inaudible) time. Ok, what I did today is go down and read the modified design, how do you guys call this thing, it's the modified Single Family Design Review. And, uhm, one of the things it says, section 13.1 of the Design Review states that the purpose of this section is to preserve the natural beauty of the city and the natural cover of the trees and shrubs and avoid the excess and unsightly grading of hills and insure that the new uses and structures will enhance their sites and be harmonious with the improvements to the surrounding area etc.....all single family and duplex residential dwellings to be subject to section 13.A single family design review. We feel that this project fails in the following sections and I won't read the sections, I'll just give you the numbers. 13.3B, 13.3D, 13.3.3 the General Requirements for Landscaping Plans, 13.35.3 in the principals to be followed, it fails on A and it fails on E. Then again at 13A.5, the findings required, and it would be an A and B and G. So going back to 13.3B, we feel that the present set of plans does not provide for the requirement of the areas for turning and maneuvering vehicles. We feel that the driveway area is too narrow at 24, I think it is 22 feet wide and 24 feet deep, they are going to have to back out on South Road, which is a tight area on South Road and it is a 2 lane road. They are going to have to back onto South Road. We live on South Road, you guys. We know how tight it is going to be. Someone is going to be injured. At 13.3D, of this code, in order to make this requirement, and to meet the environmental effects of the landscape requirements, this need would be significant, this is in regarding of trees. In 3D drawings that he has done for us, over and over again, he has always put this little bushy trees. Well, they are 27 feet tall, and you notice that they go above the building. He would have to plant 25 foot trees in order to provide the landscaping that he is showing in his drawings. So he is going to have to plant 25 foot high trees in order to give the....in order to create, in this section where it talked about, to create significant adverse environmental effects. In order to calm that part of the code down he is going to have to plant 25foot trees in those sections. And then in 13.33, where it talks about the general requirements for landscape plans, number 4 states, all landscape plans shall be prepared by landscape architects licensed by the State of California except for total landscape areas of not more than 500 square feet, he is doing more than 500 square feet, there is no evidence that a landscape architect has prepared those plans. Ok, another issue, and in conclusion is that we are sending out copies of North Road and South Road driveway bridges. This is the big issue with us. This project is adding bulk to the hills, and these are the landscape bridges that were popular in the 70's, design flaws in the 80's, and this is what we

are going to be looking up at. We find it interesting that we are going to be looking up, as my husband said, at the piers, we are going to be looking up at the piers and the unsightly driveway bridge, etc., and it seems that you are conforming the entire project to fit with the needs of a new property owner in Belmont and you are going to be scaring the face of that first hill that you drive in and that you see on South Road. You can see this from Starbucks, you can see this from Walgreens, you can see it from the train station.

Chair Gibson: Ok, we are all out of time. I think we got your drift, thank you. Mrs. Smith, followed by Mary Lou South.

Leslie Smith: I guess my main concern about the driveway variance has to do with the practical issue of pulling in and out of driveways on that part of South Road. I consider myself a fairly good driver, and it is like threading a needle every time I go in and out, and I have a fairly decent angle, so that I don't pull across 2 lanes of traffic to get out. Cars do kind of barrel down the hill at that point, and it's also too, that I work at home now, and I am concerned about the lack of a staging area or anything that driveway, maybe a longer driveway that would provide a place for the construction vehicles to park and have their stuff. I know already, just in surveying some of the property, that a couple of cars have already parked in my driveway. So it is a concern for me as far as just access in and out of that area, and the safety. Uhm, you know the aesthetic think doesn't impact me as much as my location, except that I think just as a general principal, you know, to vary something, or to make an exception you wonder, you know, what that lets in further down the road, and I, you know, I do like the fact that the houses are kind of built into the hill, and I think it is a good reason to have that kind of policy so uhm, while I think that the plans, while I haven't been here for the beginning parts and all the discussion that has been on it, it would be nice to see a further improvement maybe on the driveway. So I am not, at this point, in favor of what has been proposed.

Chair Gibson: Ok, now Mary Lou South followed by Ann Parsons.

Mary Lou South: Now it's my turn. Mary Lou South, Paradigm Health Care, Owner of Belmont Vista Senior Community, 900 Sixth Avenue. I do have to correct a couple of things that have been mentioned this evening. One, Belmont Vista is an assisted living facility. The old building is a skilled nursing facility which is licensed by the State of California, licensing and certification, and is considered a hospital. It is for the very frail elderly, which is different than the assisted living. But it is the one that backs up this property, and I think that it ought to be noted. I would also like to point out that 4 years ago this body required real wood, not fake wood as siding. Perhaps those codes have changed, and so be it. Thirdly, I would like to point out for Mr. Chew's remarks, that the property was developed by Ann Parsons and Mary Lou South. It was not developed by Mary Lou South alone. And also, thirdly, Mr. Chew seems to be making the point that it was my fault that well into the project that it cost us a million dollars more than we had planned because of the underground water and the instability of the soil. And it would not appear to me that the soil and the water is any less above us than it is where we are. I have a few prepared remarks and I will try to make them brief. But a very wise City Councilman once said that not every piece of property in Belmont has to be developed. And I believe that 905 South Road is one of those properties. I realize that this body only looks at the legal aspects, and that's certainly a property owner, a property owner has the legal right to build on his property, and you must look at the codes. I have a great many personal concerns as far as how this affects our property. They relate to the health and safety of our residence and the privacy and the lack of access and the problems created during the building process. And very much so, I am still concerned about the spring water and the unstable hillside above us and how it will affect our business. Having said this, there are three things that I do believe that are worthy of denying the project from, and one of them is the effect of this building on the public views of Belmont. And whether you like our building or not, it has become the focal point of Belmont. It's the first thing you see when you come into this City. You don't see the City Center, you don't see the Walgreens Corner. And it is my feeling that placing the building rising above ours as if it had been dropped there by a helicopter, that this will be remembered as the Blockbuster II Commission. And the other thing that concerns me a great deal and that I do believe you have some jurisdiction over, and that is the bulk of that building. And you must look at the building from the back. The front from South Road, it probably looks ok. But in this case, the back is the front and you must be concerned about that.

Chair Gibson: Ok, thank you very much. We have Ann Parsons next, followed by Robert Miller.

Ann Parsons: I am Ann Parsons. I am the other half of the team that built Belmont Vista, and I'm going to say that because I don't want her to get all the credit. I am here tonight to represent 101 residents of Belmont. They couldn't be here tonight. 33 of them live in the nursing home unit of Belmont Vista. They are

very ill people. Some of them under Hospice care, and of course they couldn't come to represent themselves. The other 68 are residents of our assisted living facility which we just built and they have a hot game of bridge going tonight so they said to be sure to get up here and give you their thoughts. I am, I need to tell you that the nursing home residence which was built 40 years ago, is exactly parallel to the property line of the 905 South Road building. The pinions that are along that side have floor to ceiling glass doors. And this is so that people who are very ill can lie in their beds and look out at the beautiful scenery which has got land where the deer run wild, where the birds fly, and where the trees are just beautiful. And it is in this spot that factor in our nursing home that made us have such a good recovery rate because our people didn't feel like they were trapped in some dark hole. And there have been many instances where seeing the deer have been a very effective therapeutic. I think of you placing this building on the top of the hill not, (not audible), now can you imagine if you were lying in a hospital bed, maybe in your last days, and someone started a jackhammer 30 feet from your ears? And can you imagine having a beautiful hillside replaced with a building that is humungous? And all you will be able to see is a building that is up on stilts. And the building would shade their sun on the patios and really be a terrifically depressing view. Besides having seen their elevation view of that building, they may have tidied up the front, but that back is humungous. It has got 18 windows that are going to look right down into the windows of our patients, and it has about, excuse me my voice is going.

Chair Gibson: So is your time, I am afraid.....

Ann Parsons: Ok, may I just say that I was giving you a packet of letters which represent the feelings of the other 68 people and how building that house will effect them. Thank you very much.

Chair Gibson: Thank you. And our next speaker, Robert Miller. Oh here comes the packet. Ok, go ahead Mr. Miller.

Robert Miller: Ok, thank you. I am Robert Miller, I am at 864 South Road. First of all, I would like to compliment both the existing and hopefully new neighbors on their interest in preserving and also adding character to Belmont. I find, actually, the structure as very wanting, that is in the sense that it adds a lot of potential to Belmont. I compliment you. The, I do feel, as the neighbor to the south, that it would be nice to be able to sink that down into the hill more than what is proposed. That is the one thing that I do see as a problem, if there is a problem with the property. The, but I also see, as someone that comes from the sciences and also who has excavated on that hill, I understand the challenge of doing such as task, especially next to that South Road like that. But I still would like to know if that's really been completely understood, the trade offs of risk verses the reward of having that sunk down into the hill. That would, I would sure like to see that done. I also received comments from a neighbor that is directly below me at 870. He had to leave just a few minutes ago, and he also is concerned about the bridge, as is frequently mentioned. And also, his comments where that he was concerned about the parking, just whether or not there was adequate parking for the size of the home that we are talking about. Let's see, lastly I would like to also mention that, in regards to development of the property, right now all that's going over there is a bunch of trash. If anyone walks along South Road, it's a, the amount of trash that is dumped over that hillside, I don't see where it is that attractive, personally. I hope that we are able to find something that keeps the trash out of the area. I also remember when the Belmont Vista was being developed, when they were asking for a request for variance starting at 6:30 am and I could and I was down here in front of the Commission to trying to stop that, and they were not to interested in hearing that, that side of things either. So I think that in all balance, this person owns the property, has a right to develop it, as long as it follows the codes, and I think it is a compliment to the neighborhood.

Chair Gibson: Ok, thank you, and I have one more set from somebody you know, I think, Toni Naccarato, did I get that right?

Toni Naccarato: Sort of, close enough. I just want to say that I am in favor of the project as well. I walk my dog there everyday right in front of where the property is, and it is a trash dump. That is what's down there. And I just want to reiterate what Robert said about the noise problem that we had when they were building the Vista at 630.

Chair Gibson: Ok, thank you very much. Does anyone else wish to address the commission on this matter.

C Frautschi: Move to close the public hearing.

C Dickenson: Second

Chair Gibson: All in favor. (Unanimous) Alright. Who would like to begin our discussion.

VC Parsons: Can I use the timer for the Commissioners too?

Chair Gibson: I wish. Who would like to begin. David, you caught my eye.

C Long: Is that germane to this hearing? I would be glad to start. Some interesting comments from the audience. Certainly, the staging issues are a surmountable problem, but they will be a problem under any approach that I can see, but the Mr. Gonzales comments especially are (Inaudible) in that the project does perhaps not tie into the neighborhood as well I would like it to see it tie into the neighborhood and I certainly feel strongly as Robert Miller, as his comments about sinking the project further into the ground and perhaps thinking that grading is not so bad as bulk might be might be something that should be an alternative that is discussed and considered here. The back is the front, that is what Miss South said, and I think that that is true. This is not an objectionable project from the standpoint of looking at it from South Road. But when you look at it as you come up Hill Street, or as you drive along Sixth, I think this is a very prominent property that we need to think of as uhm, much like Belmont Vista is, hallmark property within Belmont, whether you love it, or you don't like it. Uhm, this is going to be a focal point as far as residences within Belmont, so I think it needs a whole lot of careful scrutiny before we decide to move ahead. Jackie?

C Horton: A number of people spoke about driveway access. I will tell you that this particular location is probably no better and probably no worse than many locations in Belmont. It is the nature of Belmont. It has windy streets on hillsides. I don't happen to live on a hillside, I live on a flat place and can't get out of my driveway. So, I think that sort of is a non-issue. You just have to deal with living in Belmont. I think it is an appropriate size driveway and the access is what it is. As far as privacy goes, I understand the issue of privacy, that the neighbors, the immediate neighbors have. That is not really something we can take into consideration. I think the set-backs in this particular location are far greater than the majority of the residence in Belmont. I mean people with 5 foot setbacks in this City that are looking right into each others windows. So I don't really see that as an issue and it's not something we can rule on anyway. The issue of deer and whatever. I think it is wonderful that the people at Belmont Vista have been able to look out at the deer, but that piece of property isn't owned by Belmont Vista. I have no idea whether it was ever attempted to be bought by them. But it is now owned by someone else who does have the right to develop that piece of property. Whether his design is complete right now, or not, is one issue, but it is, that piece of property does not belong to either party that borders it. There are others of us on this Commission who have the same situation with development next to us and people who buy a piece of property that is buildable have a right to build a house on it. So, I guess my point here would be that Mr. Graves has a piece of property, he wants to build a house, and he has a right to build the house. I too believe that it is a prominent....I have looked at that piece of property from I don't know how many locations as I drive into Belmont, and you are right, it is prominent location, and it will be seen as you enter the City and it has to be carefully thought out as to what you are going to see. I too would like to see it more into the hillside. On the other hand, the houses that are across the street are just as prominent right now when you look up the hill. So if you are standing on South Road and you are looking up the hill those houses are no smaller than Mr. Graves house will be, and they have been there. And so we might want to tweak his design a bit, but I would say I am not opposed.

Chair Gibson: Bill?

C Dickenson: With all the emotion in the room, I am going to try to stick to some of the findings, some of the black and white here. Concerning the variance and the driveway bridge, I do think it is, it would constitute a grant of privilege, so I cannot find that in the affirmative for granting a variance. As far as the design review analysis, the building is a mass and I believe that if Mr. Graves did minimize the mass, it would conform more to accepting the outlines in the design review process and it is along a prominent ridge line. So, those are my facts as I see them on the project.

Chair Gibson: Ok, thank you Bill. Rick?

C Frautschi: Thank you Mr. Chair. I would like to start by just saying that points in favor of the project are that it is 90 square feet below what is allowable on the lot to build, and also, all the set back requirements

exceed the code requirements. The height is the allowable height, and I would point that the applicant is replacing the trees at an 8 to 1 instead of a 3 to 1. That said, I looked at the variance analysis. When on the Planning Commission we have to be able to make all the required variances and findings in section 14.5.1 and this has to do with the driveway bridge. I spent a lot of time looking at the site and thinking about this and I could find on variance items A, and D. However, on C, the strict and literal interpretation enforcement of a specified regulation would deprive the applicant of privileges enjoyed by owners of other properties classified in the same district. I would say that there are currently no bridge decks currently in the area of South Drive and I am really hard pressed to think that of other bridge decks in R-1B districts when I look at that. And it kind of ties in with Commissioner Dickenson's grant of privilege I guess, though I am not, although there are other bridges in Belmont I just personally, I also agree that getting out of a driveway is a problem anywhere you live. I live in a flat area and it's still a problem. Then on the Single Family Design Review analysis about minimizing disruption of existing public views. I think everyone here knows that we on the Commission can't do anything at all about private views, but public views, we try to minimize the impact. I still say the house could be sited further down the slope which I know would require more grading, but this grading could be screened from the eastern perspective from the direction of the El Camino and Ralston perspective, but the construction of the new home. I believe a delicate balance between grading and overall siting of the new proposed structure has not been fully explored, and I think it has been abandoned for the more cost effective bridge driveway. And I would pose the question, has a combination approach been explored? That is, a graded sloped entrance to the lot followed by a driveway bridge not requiring a variance, thus placing the house further down the lot out of public view disruption allowing more driveway course for guest parking along this very steep and narrow street. Finally, on the D requirement in the single family design review analysis, the overall site and building plans achieve an acceptable balance among the following factors; factor 1, I really have a problem with. The building still appears to be to me, to be too bulky and boxy in the latest rendition, though the applicant has incorporated a number of interesting elements in keeping with the Downtown Specific Plan. Based on my analysis, my rational, I would not be able to support the project in its current rendition.

Chair Gibson: Chris, it's your turn.

C Wozniak: Ok. I agree with some of the comments that have been made, and I disagree with other comments. My main concern is the stability of the site and also, since this house is in a position where it is viewed from, when you come into Belmont, if anything goes wrong with the construction and it does go beyond the scope of the owner to be able to support the development with any problems that might arise, I am really concerned with what it is going to look like coming into our town. I am not sure that that is part of the design review, but I just wanted to state that. It is a really big, if development were to stop because of soil problems, or any kind of problems like that there would be an eye sore in Belmont. I think the mass of the building is too big. I would hope that something could be done so that when you look at from coming into Belmont, the impact of it would be reduced. There are large houses on South Road but they seem to blend into hillside a bit more than when I look at the plans of this one, what it looks like to me. About the nursing facility, I am sympathetic to the people that live there, I have had friends and relatives, not relatives, but friends who have lived in the facility. But, I wonder why the property wasn't purchased by the facility because you can't ever depend on it being there forever, unfortunately. So that, unfortunately, I can't consider. That is really all I have to say, those are my comments.

Chair Gibson: Your turn sir.

VC Parsons: Ok. I think what we have to deal with here tonight is basically the variance. Because the design is smaller than it needs to be in terms of square footage, it is within the height limits, and it has attempted to meet the architectural character of the...spotlighting our Downtown Plan design guidelines. So what we really have is the issue of the variance with the bridge and the bridge is an alternative to doing extensive cut and fill. And I looked at this site, I have been looking at it now for too long. And to come off that property and put a driveway down like some of the other houses have, would mean that immediately there would be a retaining wall against the street that would have to curve and down parallel to the street and it would be a massive retaining wall from the viewpoint from the neighbors to the south. The house might move down the hill but it still would be a bulky house, it would be a one story on the upper side of the hill, and 2 story on the lower side. Well, that's what all the houses on the upper side already are. So if you look the other way, it is no different than the houses that were on the upper side of South Road. And it is going to be difficult to get in a driveway whether it is a bridge, or a retaining wall, massive retaining wall and driveway turning going down the hill. The former Mayor lived in 910 South Road, and I have been to his house, I've been to parties, and I know if you pull you car up into the driveway, and there is one other car there, you can't turn around, so you back down the driveway. And that is a much longer driveway and much

more difficult with a risk going over the edge which would be the case if there is a retaining wall. Other considerations when you build down the hill, you are going to put the house closer to both of the neighbors. The Assisted Care/Convalescent Facility and probably also next to the southern property owners since the house would probably have to move over because the garage would be at the end of the driveway. So we end up having a house that sits further down the hill, same square footage, it will appear bigger to the people and it would be closer to the people that are in the Convalescent Home. It will be less privacy to the people in the Convalescent Home and the neighbors, it will probably be more noisy and as I said, it will appear bigger. When you start putting in retaining walls and extending the driveway to move the house down, you are going to have a lot more trucks and a lot more noise, and a lot more staging. It is a problem. This is a problem site. I would prefer it not be built on. I wish the neighbors get together and buy the property. But

Tape change

VC Parsons: Problems with the landscape plan and the trim on the house, but to ask the homeowner to go back, we are probably going to end up with something worse than what we've got now. It is just a bad situation and I have sympathy for all the people that have concerns, but we have to make decisions based on the findings that are in front of us, and the zoning code. And it's a difficult one, and I must say that I don't want to have to support it, but I feel I must. Because I do feel that this bridge is the lesser of 2 evils, having had a lot more experience, I think, than most of the Commissioners on dealing with hillside houses.

Chair Gibson: Ok while I am commenting, I would like staff to look up the zoning ordinance that deals with public views, or is that the Muni code? Would you look up that language while I am commenting? I went through the same analysis that Kenn just described about an alternative driveway that came in at an angle that the Gonzales' did and kind of followed the South Road property line. Put the house down lower on the property, but that means that it is closed to Belmont Vista and maybe that is technically feasible, but his analysis is the same as mine and so, I have the same conclusion. I would like to commend the speakers tonight, I think the comments were intelligent, well thought out, and for the most part relevant to our dealings here and I marked my thing all up with a lot of notes while you were talking. For the record, I visited Belmont Vista last week and took a look at the back patio. I looked at the retaining walls back there, I did not see any signs of distress, I didn't see any cracking, I didn't see any leaking, maybe that is significant, maybe that's not. I climbed up on the hill and tried to position myself where the back of the property was and I think I found it pretty close because of those trees that are marked on the plans. So I knew pretty well where I was standing up there, and I really believe some of your concerns, I am talking about Ms. Parsons and Ms. South, some of their concerns are valid, and some are not. I don't believe the building will cast a shadow at all on the patio back there, beyond what the trees already cast. If you cut down the trees, yeah, you might find that the house was shading your patio for a short time, before it goes behind the hill. It looked to me like the lowest point of the building would be above the roof line of the Belmont Vista, so with anybody certainly in there looking out the glass doors would not see it, and probably anybody sitting on the patio would not see unless they looked up through the trees, they would get a glimpse of it. So, I don't think it has a significant impact in those 2 respects. However, construction is noisy, there is no getting around it. There are going to power tools, first of all there are going to be drilling rigs in there doing the piers, there is going to be a cat running around gleaning, there are going to be power tools going, and we will certainly enforce the ordinance that limits hours of construction, and we'll want staff or building department to hear about it if that is ever violated and that's I believe 8:00 to 5:00 on weekdays, and 10:00 to 5:00 on Saturdays something like that?

PP de Melo: Correct.

Chair Gibson: But there is going to be an ugly time in terms of noise and staging. This staging is not going to be pretty, no getting around that, but I don't think it is going to be a disaster that some people envision. Any I say that based on the infamous 3034 San Juan that I have watched for over these many years and it's still not done. They had no place on their proper....the slope came right smack down to the curb, and you know, they start by biting in, literally from the street. But I must say, much as we all hate that project the disruption to traffic was minimal and I can recall sitting there for 60 seconds was about the worst of it and they got it done, and I think they will be able to get it done in the same manner on South Road. Maybe they'll bring a little cat in and maybe grade a little bit and then they'll have a place to pile stuff and then they'll grade some more, and it'll get done. My worst fear for this project is something that I have seen happen 3 times on the San Juan Boulevard area. And that is where they start and something goes wrong, and it sits, and it sits. One of the guys died, and there is an excuse for you, and it was 10 years before they

finished that one. And then there was one on Monte Cresta which was 5-6 years and there's 3034 San Juan which is not done yet. So things happen and we can't guarantee that things won't happen on this project. Let's see, ok, public views staff? What does the law say about public views?

CDD Ewing: We're still looking.

Chair Gibson: You're still looking, then I'm still talking then. The variance. Commission Members, we're in a bind here, because we've got a law here saying that there has to be an 18 foot driveway, and we've got another law saying that a structure like a driveway bridge, encroaching into the front setback requires a variance. And we're only supposed to give variances in the exceptional situations and yet here we are stuck. Basically, either we're granting a variance or wiping out his ability to build at all. And I think, Jean....well, I think I heard you say at the beginning of this hearing that if the applicant could not otherwise build at all that that is a reason for a variance. You did say that?

CA Savaree: Yes.

Chair Gibson: Ok, good.

C Long: That brings questions to my mind that I would like to have cleared.

Chair Gibson: Alright

C Long: And that is, I don't feel like if we deny this based on the variance, that that makes this an untenable property that cannot be built upon. In fact it seems as if those who are speaking in opposition may be interested in more grading, less driveway bridge and less bulk. And that still seems like an attainable goal although when you separate the neighbors concerns out, that still seems like an accomplishable construction.

Chair Gibson: Well, as I recall round one of this project had the driveway on fill with retaining walls on the side and we decided that was worse because it requires a lot more fill.

VC Parsons: We've been there.

Chair Gibson: Yeah, we've been there done that, yeah. So I don't think we want to loop back on that again, but....

C Long: The garage has always been 1 to 2 feet above the rest of the house. That's all 3 revs. So it has always shot straight off of South Road, there is a 90 degree angle.

Chair Gibson: I think it comes at 18% actually, but it's.....virtually, I mean that's the (unintelligible) for the height of this house. You could go down at 19% from the street and that's where you are, and you start from there. Well, public view is, the way we have always dealt with public views, it's like if I am....first of all, a public view means a view from a public street or public property, not from private property. So if I am standing on a street here, and that back wall is a hill, and somebody puts a piece of paper in front of me, I have lost my public view. But the way I have always understood public view is if someone puts a paper in front of the wall back there, that's not it. So, it's not like you are at Ralston and Hiller and looking up and oh, there used to be that much tree and now there is that much house. That is not been how we have interpreted public views. Staff, can you help me with that?

CDD Ewing: The one goal in the General Plan, it's a general goal, that address views directly states as follows; this is a goal of the overall General Plan and subsequent policies; " The goal is to preserve significant open spaces, trees, views, waterways, wildlife habitats and other features of the natural environment" That is where the word "view" appears. Now, there are policies in support of that, none of them specifically mention view, but there is mention that natural features such as ridgelines, canyons, steep hillsides, meadows, streamsides and significant stands of trees should be preserved and protected through planning, conservation" and other matters. That's not exactly a view issue. That is directly preserving the resource. So there is not a lot of specific guidance in the General Plan with what the definition of a public view is, but clearly there is something different between a public view and a private view, or we wouldn't

modify the word view that way. So we have had to draw the line as to what constitutes a public view and we have taken that as being views from public places, particularly streets. And that is how we get to the point of saying that private views are not protected, public views are, and then analyzing what a public view would be across the site from a street or public place.

Chair Gibson: In my time in the Commission I don't recall that we have ever considered public view a matter of, you know, a house far away directly in front of the trees. It has always been something right in front of me blocking a distant view. And since that has been our prior practice, I am going to continue to.....

CDD Ewing: I think that is a correct statement for our practice.

VC Parsons: Through the Chair. Just for clarification, this packet that was handed to us, shows a couple of bridges, and I was under the assumption that these bridges are on South Road?

C Long: No, those are on North Road

(Inaudible comments from audience)

Chair Gibson: Let me see if I have any other remarks here. I don't know how this is going to go. I believe I will have to reluctantly approve this and that, I am kind of keeping score here, it sounds like 3 yes, 2 no, one needs changing, one didn't say, so I am going to address a plea to Mr. Graves on the assumption that we approve this, 2 pleas. Just listen please, and I am just asking. First is, do like I did, I built my own house on a steep lot, and I acted as my own engineer. And I designed my retaining walls and I went to bed that night, and I couldn't sleep. And I got up the next morning, and I tore them up, 'cause I said to myself, by gosh, I'm going to live here. I'm going to make these stronger than necessary. I am going to put a buttress in, I'm going to put in more concrete, I'm going to put more steel. Perhaps you could do the same thing. Perhaps you could drill piers deeper than necessary. After all, most of the expense is getting a rig out there, right? Going another 2 feet, 4,6 feet is not that big a deal. Provides more assurance for yourself and all the rest of us, maybe more piers than necessary. I don't know, you want to consult with Mr. Chew and your foundation engineer on that. So, think about doing more than just the minimum. Second is, if we approve this I hope that you and your neighbors can get together out there after we are done or go for coffee or something, and try to work things out and that perhaps, if it's approved, and if it survives an appeal if there is going to be an appeal, that perhaps you could continue communication and perhaps you could give a little presentation if they are willing, to the residents there. I don't know, I mean if you are already neighbors, you might as well be good neighbors. So that is the end of my speech and my comments and does anyone have further comments.

VC Parson: I do. Just one, that I would, if this project, if I was going to make a motion now to approve the project, that I would ask that the siding be wood and that they come back with a full landscape plan done by a professional. And I had a question for staff, hasn't the size of replacement trees increased, isn't it now 36 inch box?

AP Swan: 24 inch box.

VC Parsons: 24inch box, ok. That's all I have.

C Horton: I had one other comment regarding landscaping and that was addressed earlier and that is that Mrs. Gonzales is allergic to Cedar as many people are, and I think that you should work with them to plant the right trees. That most people aren't allergic to.

C Long: I have a motion.

Chair Gibson: Ok, did you hear the....

C Long: I wouldn't need those to make my motion. I move that we deny the Variance and Single Family Design Review for the construction of a new 3054 square foot residence at 905 South Road.

VC Parsons: I'll second.

Chair Gibson: Technically Jean.....

CA Savaree: Yes, in order to make a motion to deny you will have to indicate what findings you cannot make in the affirmative and the reasons why for both the Variance and for the Design Review.

C Long: Based upon, finishing my thought, based upon my inability to find uhm, variance number D, or finding D, the grant of variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district. I would add finding E, I find that there are some elements of the project that are materially injurious to both properties in the vicinity and also to the safety of public health and welfare.

CDD Ewing: Excuse me, but we need to know what those particular factors are that you believe to be materially injurious, and what the special privilege would be. This is a factual finding you have to make, so we need some backup for this resolution.

C Long: Regarding D, the...there is not bridge deck within the zoning district of which we are aware. If there is one in the zoning district, there seems to not be one within a reasonably close.....within the immediate vicinity of the property. Regarding E, the uhm, public health safety and welfare uhm, the ah, nature of South Road traffic and the nature of the place along South Road that the curb cut would be, I feel would prove to be injurious, I also think that there.....that this can pose a detriment to the Hospital nearby. Because.....from the standpoint of.....noise, activity, blocking of public view.

Ca Savaree: And did you also have a finding that you wanted to articulate on the design review? Or are you making a stand alone motion on the variance at this point?

C Long: I don't know which is cleaner. Uhm, so I will heap on, if you'd like.....

Ca Savaree: You may pose your motion either way. And if you are making a motion only on the variance, then we can take a vote on that and see where that goes first or you can go ahead and add in the design review as well, but you will need to do the same thing for that finding.

C Long: Ok then, I'll stop where I am.

CDD Ewing: So this is a motion to deny the variance based on the information provided by Commissioner Long?

Chair Gibson: Do you have notes? Would you mind.....

CDD Ewing: Sure. This was a motion, it was not an amended motion, we don't have a second yet, right.

Chair Gibson: We need a second.

C Frautschi: I'll second.

CDD Ewing: And so this was a motion to deny the variance based on the inability to make finding D, that the bridge deck would be the only one within the immediate vicinity and that would be a grant of special privilege, and finding E, that the location of the driveway curb cut, as well as the resulting noise and blocking of public views as it would effect the nearby hospital would be elements that would be materially injurious to surrounding properties, and that is finding E.

C Frautschi: I think he also mentioned C, and that had to do with, and to our knowledge we don't know of any bridges in the R-1.....

CDD Ewing: He related that to D as I understood it.

C Long: To D, you are right, it was a D.

Chair Gibson: Any further discussion before we vote?

C Long: Yes

C Frautshci: Yes

C Dickenson: Yes

C Horton: No

C Wozniak: Yes

VC Parsons: No

Chair Gibson: No

RS Szabó; Four Ayes, three No's

Chair Gibson: Ok, so the return of the motion of the resolution of denial.

CDD Ewing: My recommendation would be that you also do a denial of the Design Review because this project, as a Design Review, can't very well be approved without the deck bridge as it currently stands. This would also give the applicant an opportunity to appeal if they wish to do so, to the Council of the project, rather than continue the Design Review and leave that open ended.

Chair Gibson: Ok, good.

C Frautshci: I'll make that motion to deny the project for, Single Design Review analysis based on A, minimize the disruption of existing public views, and B the overall site and building plan achieves an acceptable balance among the following factors and it would be factor 1, building still appears to be too bulky and boxy, in the latest rendition. Would add that in the Downtown Specific Plan the front of the building is required to be the back of the building, and the back of the building is to be the front of the building as far as judging it for architectural detail, that is required in the plan. And I don't think they quite hit it yet.

C Long: I'll second.

Chair Gibson: Ok, Rachel

C Frautshci: Yes

C Long: Yes

C Dickenson: Yes

C Horton: Yes

C Wozniak: Yes

VC Parsons: No

Chair Gibson: No

RS Szabó: Five yes, two no.

CDD Ewing: We will return with the resolutions on your consent calendar and the appeal period will not begin until you saw those resolutions and took specific action on them at your next meeting.

Chair Gibson: Ok, so starting at that time there will be a 10-day period in which someone can file an appeal to the City Council to overturn their decision. So, we are going to have a break.